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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,461

06/01/2007

Wolfram Zoller

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EXAMINER

O'HARA, BRIAN M

ART UNIT

PAPER NUMBER

3644

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,461	Applicant(s) ZOLLER ET AL.	
	Examiner Brian M. O'Hara	Art Unit 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ebert (DE 27 54 620 A1).** Ebert discloses a replaceable insert (Fig. 1) for use in a cat lavatory (See Fig. 2) having a rectangular blank (See Fig. 2) with sloped corners (1e). Ebert also discloses the insert being a pouch (See Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebert in view of Lange (US Patent Application Publication 2004/0118357 A1).** Ebert discloses the replaceable insert as described above as well as the capability of the insert to be folded outwards over an upper rim of a cat lavatory (See Fig. 2), but does not disclose the remaining elements of claims 4-11 and 13. Lange discloses an insert which: can be folded outwards and over the rim of a cat

lavatory (See Fig. 4), can be resealed (See Fig. 14), is formed from non-woven material (a plastic film, Page 3, Par. 0064), comprises highly absorbent, odor-inhibiting, and scratch-resistant material (Page 3, Par. 0064), has a shape with external dimensions which correspond substantially to the internal dimensions of the lower part of a cat lavatory (See Fig. 1), a layer of litter material is disposed on the insert of non-woven material (See Fig. 3), is vacuum-packed before use (Page 2, Par. 0028), is provided with a closure means, in this case a tape (5). At the time of invention, it would have been obvious to one of ordinary skill in this art to combine the elements listed above with an insert for a cat lavatory as disclosed in Ebert in view of the teaching of Lange. The motivation for doing so would have been to create a more easily packaged and disposable insert.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebert.

Ebert discloses sloped corners but does not disclose the slope being $1/5$ the length of an associated transverse side and $2/7$ the length of an associated longitudinal side of the insert. At the time of invention, it would have been obvious to one of ordinary skill in this art to make sloped corners that are $1/5$ the length of an associated transverse side and $2/7$ the length of an associated longitudinal side in view of the teaching of Ebert. Altering these dimensions is a simple design choice. The motivation for doing so would have been to reduce the amount of material needed to produce the blank.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. O'Hara whose telephone number is (571)270-5224. The examiner can normally be reached on compressed 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. M. O./
Examiner, Art Unit 3644

/Michael R Mansen/
Supervisory Patent Examiner, Art
Unit 3644